



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JUN 29 2011

Mr. Robert W. Betram
Executive Director of Facilities Management
University of Southern Maine
25 Bedford Street
Portland, Maine 04101

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)
and § 761.79(h)
Anderson and Upton Halls
University of Southern Maine, Gorham, Maine

Dear Mr. Betram:

This is in response to the University of Southern Maine (USM) Notification¹ for approval of a proposed plan to address PCB contamination located at the buildings known as Anderson Hall at 40 Campus Avenue and Upton Hall at 52 University Way, Gorham, Maine (the Sites). The Sites contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62. Specifically, PCBs have been found in caulk and in the adjacent building substrate (i.e. brick and concrete).

In its Notification USM has proposed the following PCB cleanup and disposal plan:

- Anderson Hall
 - Remove caulk and window banks in their entirety from the north, west, and south faces of the building and dispose as greater than or equal to (\geq 50 ppm PCB waste in a TSCA approved or hazardous waste landfill
 - Remove caulk, and window and wall components in direct contact with PCB caulk from the east and northeast faces of the building and dispose as \geq 50 ppm in a TSCA approved or hazardous waste landfill

¹ The Notification was prepared by Woodard & Curran on behalf of the USM to satisfy the requirements under 40 CFR § 761.61(c) and § 761.79(h). Information was submitted dated March 18, 2011 (PCB Remediation Plan) and June 8, 2011 (Response to Comments). These submittals shall be referred to as the "Notification".

- Remove PCB caulk, clean *non-porous surfaces* (i.e., metal tracks) to remove residual caulk, and encapsulate with two coats of an epoxy coating
- Encapsulate *porous surfaces* (i.e., concrete overhang and concrete slab edge) with a liquid barrier system
- Upton Hall
 - Remove ≥ 50 ppm PCB caulk and *non-porous surfaces* (i.e., metal frames) in direct contact with caulk and dispose in a TSCA approved or hazardous waste landfill
 - Remove PCB caulk between 1 and 50 ppm and *non-porous surfaces* (i.e., glass panes, metal panels, and internal metal frames) and dispose of in accordance with § 761.61(a)(5)(i)(B)(2)(ii)
 - *Porous surfaces* (e.g., brick and concrete) with > 1 ppm PCB concentration will be encapsulated with an epoxy or acrylic coating, as specified in the Notification
 - Remove ≥ 50 ppm PCB paint from *non-porous surfaces* (i.e., steel beam) to achieve a cleanup standard of $< 10 \mu\text{g}/100 \text{ cm}^2$, and dispose of paint in a TSCA approved or hazardous waste landfill

In the event that *non-porous surfaces* (i.e., steel beam) cannot be decontaminated to the PCB cleanup standard of $\leq 10 \mu\text{g}/100 \text{ cm}^2$, USM is proposing to encapsulate the steel beam. If encapsulation is implemented, USM will be required to add this area to the deed restriction and to the long-term monitoring and maintenance implementation plan (MMIP) for the encapsulated surfaces (See Attachment 1, Conditions 17 and 18).

Based on the EPA's review, the information provided in the Notification meets the requirements under § 761.62(a) and § 761.79(h) for abatement of PCB caulk and paint and § 761.61(a) and (c) for decontamination and/or encapsulation of the *porous* and *non-porous surfaces*. EPA finds that the proposed encapsulation of PCB-contaminated *porous* and *non-porous surfaces* should effectively prevent direct exposure of these PCB-contaminated *porous* and *non-porous surfaces* to building users provided the encapsulated surfaces are maintained. As such, EPA may approve the encapsulation under § 761.61(c).

This Approval does not provide for cleanup and disposal of PCB-contaminated soils since additional sampling is necessary to define the nature and extent of the contamination. Upon completion of the investigation of soils at the Sites, USM may request a modification to this Approval to incorporate cleanup of PCB-contaminated soils or USM may submit a separate cleanup and disposal notification under 40 CFR § 761.61 (see Attachment 1, Condition 20).

USM may proceed with its project in accordance with 40 CFR §§ 761.61(a) and (c); § 761.62(a); § 761.79(h); its Notification; and, this Approval, subject to the conditions of Attachment 1. Under this Approval, EPA is reserving its right to require additional investigation or mitigation

measures should the results of the long-term monitoring sampling indicate an unreasonable risk to the building users.

Please be aware that this Approval requires USM to conduct outreach activities for the residents of Anderson and Upton Halls concerning the PCB remediation work. Documentation of the outreach effort shall be submitted to EPA. (Attachment 1, Approval Condition 11)

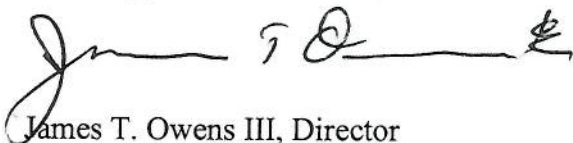
Please note that USM will be required to record a notation on the deed as required under § 761.61(a)(8) since PCBs at > 1 ppm will remain on the Sites.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in black ink, appearing to read 'James T. Owens III', followed by a horizontal line and a small flourish.

James T. Owens III, Director
Office of Site Remediation & Restoration

cc Jeffrey Hamel, Woodard & Curran
MEDEP
File

Attachment 1 – PCB Approval Conditions

ATTACHMENT 1:

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
ANDERSON HALL AND UPTON HALL (the Sites)
UNIVERSITY OF SOUTHERN MAINE
GORHAM, MAINE**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Sites and identified in the Notification.
2. University of Southern Maine (USM) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. USM must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, USM shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. USM is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time USM has or receives information indicating that USM or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by USM are authorized to conduct the activities set forth in the Notification. USM is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release USM from compliance with any applicable requirements of federal, state or local law; or 3) release USM from liability for, or otherwise resolve, any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from USM of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. USM shall submit the following information for EPA review and/or approval:
- a. A certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. A contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,
 - c. A certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

DECONTAMINATION AND DISPOSAL CONDITIONS

11. USM shall conduct outreach activities for the Anderson Hall and Upton Hall residents on the PCB remediation work. USM shall submit information on its outreach activities within 30 days of receipt of this Approval.
12. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.

13. All visible residues of PCB-contaminated caulk and paint (i.e. *PCB bulk product waste*) shall be removed as described in the Notification.
14. The decontamination standard for *non-porous surfaces* (i.e., steel beams) shall be $\leq 10 \mu\text{g}/100 \text{ cm}^2$ PCBs.
 - a. All post-decontamination verification sampling of *non-porous surfaces* shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e., $\mu\text{g}/100 \text{ cm}^2$) and at the frequency specified in the Notification.
 - b. For decontaminated *non-porous surfaces* that have PCB concentrations exceeding the decontamination standard, USM may conduct additional decontamination to achieve the required decontamination standard or must store and dispose of these wastes as TSCA-regulated waste in accordance with 40 CFR Part 761.
 - c. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
 - d. In the event that *nonporous surfaces* (i.e. steel beam) cannot be decontaminated to the standard of $\leq 10 \mu\text{g}/100 \text{ cm}^2$ PCBs. the encapsulation alternative, as described in the Notification shall be implemented.
15. Following encapsulation of PCB-contaminated *porous surfaces* and *non-porous surfaces* post-encapsulation sampling shall be conducted to determine the effectiveness of the encapsulation.
 - a. Wipe sampling of encapsulated surfaces shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e. $\mu\text{g}/100 \text{ cm}^2$). Chemical extraction for PCBs shall be conducted using Method 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
 - b. In the event that the PCB concentration of any wipe sample is greater than ($>$) $1 \mu\text{g}/100 \text{ cm}^2$, USM shall contact EPA for further discussion and direction on alternatives.
16. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with CFR 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.

- a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
- b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
- c. PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

DEED RESTRICTION AND USE CONDITIONS

17. Within thirty (45) days of completing the activities described in the Notification and in the Approval, USM shall submit for EPA review and approval, a draft deed restriction for the Sites. The deed restriction shall include: a description of the extent and levels of contamination at the Sites following abatement; a description of the actions taken at the Sites; a description of the use restrictions for the Sites; and the long-term monitoring and maintenance requirements on the Sites. Within seven (7) days of receipt of EPA's approval of the draft deed restriction, USM shall record the deed restriction. A copy of this Approval shall be attached to the deed restriction.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

18. Within 60 days of completion of the work authorized under this Approval, USM shall submit for EPA's review and approval, a detailed monitoring and maintenance implementation plan (MMIP) for the surface barriers. USM shall incorporate any changes to the MMIP required by EPA.
 - a. The MMIP shall include: a description of the activities that will be conducted, including inspection criteria, frequency, and routine maintenance activities; sampling protocols, sampling frequency, and analytical criteria; and, reporting requirements, as applicable
 - b. The MMIP shall include a communications component which details how the maintenance and monitoring results will be communicated to the Site users, including teachers, parents, student, other on-site workers, and interested stakeholders.
 - c. The MMIP also shall include a worker training component for maintenance workers or for any person that will be conducting work that could impact the barriers encapsulating the PCB-contaminated surfaces.

- d. USM shall submit the results of these long-term monitoring and maintenance activities to EPA. Based on its review of the results, EPA may determine that modification to the MMIP is necessary in order to monitor and/or evaluate the long-term effectiveness of the barriers.
 - e. Activities required under the MMIP shall be conducted until such time that EPA determines, in writing, that such activities are no longer necessary.
19. USM shall allow any authorized representative of the Administrator of the EPA to inspect the Sites and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by USM to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
20. Any modification(s) in the plan, specifications, or information submitted by USM, contained in the Notification, and forming the basis upon which this Approval has been issued, must receive prior written approval from the EPA. USM shall inform the EPA of any modification, in writing, at least ten (10) days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve the modification.
21. If such modification involves a change in the use of the Sites which results in exposures not considered in the Application, the EPA may revoke, suspend, and/or modify this Approval upon finding that this risk-based cleanup and disposal action may pose an unreasonable risk of injury to health or the environment due to the change in use. EPA may take similar action if the EPA does not receive requested information needed from USM to make a determination regarding potential risk.
22. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

23. USM shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by USM in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.

24. As required under Condition 18 of this Approval, USM shall submit the results of the long-term monitoring and maintenance activities to EPA as specified in the final MMIP to be approved by EPA
25. USM shall submit a final report to the EPA within 90 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the PCB cleanup area(s); copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer. The Report shall also include a copy of the recorded deed restriction and a certification signed by a USM official verifying that the authorized activities have been implemented in accordance with this Approval and the Notification.
26. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 – (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
27. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1

